

Application Serial No. 10/799,397  
Reply to Office Action dated May 16, 2008

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**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (original) A dry mix composition for use in a bakery product, comprising:  
about 50% to about 80% flour;  
a leavening system; and  
about 0.1% to about 1.0% encapsulated acid; wherein the encapsulated acid  
having a mean particle size of about 150 microns to about 840 microns is selected  
from the group consisting of citric acid, fumaric acid, lactic acid, malic acid,  
phosphoric acid, sodium acid sulfate and mixtures thereof.
- 2-5. (canceled)
6. (original) The dry mix composition of claim 1 additionally comprising a food grade  
organic acid selected from the group consisting of benzoic, propionic, sorbic and  
mixtures thereof.
7. (original) The dry mix composition of claim 1 additionally comprising about 20% to  
about 40% sugar.
8. (original) The dry mix composition of claim 1 additionally comprising about 2% to  
about 30% of a fat.
9. (original) The dry mix composition of claim 1 additionally comprising about 0.01%  
to about 4% of an emulsifier.

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10. (original) The dry mix composition of claim 1 additionally comprising about 1% to about 8% of a humectant.

11. (original) The dry mix composition of claim 1 additionally comprising about 0.05% to about 0.7% of a hydrophilic colloid.

12. (original) The dry mix composition of claim 1 additionally comprising starch.

13. (original) The dry mix composition of claim 1 additionally comprising nonfat dry milk solids.

14. (original) The dry mix composition of claim 1 additionally comprising flavor agents.

15. (original) The dry mix composition of claim 1 additionally comprising color agents.

16. (original) The dry mix composition of claim 1 additionally comprising edible inclusions.

17. (original) The dry mix composition of claim 1 wherein the dry mix is used to produce a fried bakery product.

18. (previously presented) The dry mix composition of claim 1 wherein the encapsulated acid has a minimum melting point of 150 °F.

19. (currently amended) A batter composition for use in a bakery product, comprising:

about 10% to about 80% flour;

a leavening system;

about 0.01% to about 1.0% encapsulated acid having a particle size of about 150 microns to about 840 microns; and

a moisture, in a ratio of about 50:1 to about 1:1;

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wherein the encapsulated acid is selected from the group consisting of citric acid, fumaric acid, lactic acid, malic acid, phosphoric acid, sodium acid sulfate and mixtures thereof.

20-22. (canceled)

23. (original) The batter composition of claim 19 wherein the batter is fried to produce a fried bakery product.

24. (previously presented) The batter composition of claim 19 wherein the encapsulated acid has a minimum melting point of 150 °F.

25. (original) The batter composition of claim 19 additionally comprising a food grade organic acid selected from the group consisting of benzoic, propionic, sorbic and mixtures thereof.

26. (original) The batter composition of claim 19 additionally comprising about 2% to about 30% of a fat.

27. (original) The batter composition of claim 19 additionally comprising about 0.01% to about 4% of an emulsifier.

28. (original) The batter composition of claim 19 additionally comprising about 1% to about 8% of a humectant.

29. (original) The batter composition of claim 19 additionally comprising about 0.05% to about 0.7% of a hydrophilic colloid.

30. (original) The batter composition of claim 19 additionally comprising starch.

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31. (original) The batter composition of claim 19 additionally comprising nonfat dry milk solids.
32. (original) The batter composition of claim 19 additionally comprising flavor agents.
33. (original) The batter composition of claim 19 additionally comprising color agents.
34. (original) The batter composition of claim 19 additionally comprising edible inclusions.
35. (previously presented) A method for preparing a bakery product, comprising the steps of:
- A. providing a dry mix, said mix on a dry weight basis comprising:  
about 50% to about 80% flour;  
a leavening system; and  
about 0.01% to 1.0% encapsulated acid;
  - B. forming a batter comprising:  
said dry mix;  
a moisture, in a ratio of dry mix to moisture of about 50:1 to about 1:1;
  - C. allowing the leavening system to react in said batter;
  - D. depositing individual-serving size portions of said batter into heated oil;
  - E. deep-frying the batter in oil having a temperature of about 270°F to about 400°F to produce a fried bakery product,  
wherein the fried bakery product achieves an internal cooked temperature of about 170°F to about 230°F; and
- wherein said fried bakery products have a yeast-free and mold-free shelf life of at least 21 days.
36. (original) The method of claim 35 wherein the encapsulated acid of said dry mix is selected from the group consisting of citric acid, fumaric acid, lactic acid, malic acid, phosphoric acid, sodium acid sulfate and mixtures thereof.

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37. (previously presented) The method of claim 35 wherein the encapsulated acid of said dry mix has a mean particle size of from about 150 microns to about 840 microns.

38. (original) The method of claim 35 wherein the fried bakery products have a yeast-free and mold-free shelf life of at least 30 days.

39. (original) The method of claim 35 wherein the fried bakery products have a yeast-free and mold-free shelf life of at least 40 days.

40. (original) The method of claim 35 wherein the dry mix additionally comprises a food grade organic acid selected from the group consisting of benzoic, propionic, sorbic and mixtures thereof.

41. (original) The method of claim 35 wherein the dry mix additionally comprises about 20% to about 40% of a sugar.

42. (original) The method of claim 35 wherein the dry mix additionally comprises about 2% to about 12% of a fat.

43. (original) The method of claim 35 wherein the dry mix additionally comprises about 0.01% to about 4% of an emulsifier.

44. (original) The method of claim 35 wherein the dry mix additionally comprises nonfat dry mild solids.

45. (original) The method of claim 35 wherein the leavening system is a chemical leavening system.

46-56. (canceled)

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57. (previously presented) The method of claim 35, wherein the encapsulated acid has a minimum melting point of 150°F.

58. (previously presented) A fried bakery product comprising;  
a dry mix composition including;  
about 50% to about 80% flour,  
a leavening system, and  
about 0.1% to about 1.0% encapsulated acid, wherein the encapsulated acid having a mean particles size of about 150 microns to about 840 microns is selected from the group consisting of citric acid, fumaric acid, lactic acid, malic acid, phosphoric acid, sodium sulfate and mixtures thereof; and  
a moisture in a ratio of about 50:1 to about 1:1; wherein the fried bakery product has an extended yeast-free and or mold-free shelf life of at least 21 days.

59. (previously presented) The fried bakery product of claim 58, having an extended yeast-free and or mold-free shelf life of at least 30 days.

60. (previously presented) The fried bakery product of claim 58, having an extended yeast-free and or mold-free shelf life of at least 40 days.

61. (previously presented) The fried bakery product of claim 58, wherein the bakery product is a cake donut.

62. (previously presented) The fried bakery product of claim 58, wherein the encapsulated acid has a minimum melting point of 150°F.